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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

File the Application of:

JOHN S. FORMON et al.

Serial No.: 10/092,350

Filed: March 7, 2002

For: APPARATUS AND METHODS
USABLE IN CONNECTION WITH
DISPENSING FLEXIBLE SHEET
MATERIAL FROM A ROLL

Atty. Docket No.: 009242.00105

Group Art Unit: 3724

Examiner: Flores Sanchez Omar

Confirmation No.: 7728

PETITION UNDER 37 CFR §1.182

TO RESET THE TIME PERIOD FOR RESPONDING TO THE NOTICE OF NON-COMPLIANT AMENDMENT

OR

TO WAIVE THE TIME EXTENSION FEES FOR RESPONDING TO THE NOTICE

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicant petitions the Director under 37 C.F.R. § 1.182 to reset the time period for responding to the Notice of Non-Compliant Amendment allegedly mailed on November 3, 2006 (the Notice) or to waive the time extension fees for responding to the Notice. Applicants submitted on March 5, 2007 a response to the Notice, which would typically require a three-month time extension fee.

As noted below, Applicants' representatives did not receive the Notice, which is shown

in PAIR as allegedly being mailed on November 3, 2006. Applicants became aware of the Notice through the PAIR system. Applicant believes no fee is due in connection with this petition. If a fee is due, please charge our Deposit Account No. 19-0733.

Statement of Facts

On October 30, 2006, Applicants submitted a response to the office action dated June 2, 2006. On or about March 1, 2007, Applicants became aware of the Notice of Non-Compliant Amendment via a routine review of the PAIR system, which included a copy of the Notice and which indicated the same was mailed on November 3, 2006.

Attached hereto is an affidavit from Heather Marthers, the Docketing Manager at Banner & Witcoff, LTD, which was listed as the customer number and correspondence address for the referenced application on November 3, 2006. As noted in the affidavit, the Docketing Manager has reviewed Banner & Witcoff, LTD's docketing records and PTO mail logs to verify that the Notice was not received at Banner & Witcoff, LTD. The undersigned has also reviewed Banner & Witcoff, LTD's docketing records and PTO mail logs to verify that the Notice was not received at Banner & Witcoff, LTD.

Accordingly, Applicants request that the time period for responding to the Notice of Non-compliant Amendment for this application be reset and the response to the Notice filed on March 5, 2007 be deemed timely filed, or that the time extension fees for responding to the Notice be withdrawn and, if necessary, refunded.

Respectfully submitted,

By: 
Anthony W. Kandare, reg. no. 48,830

Date: March 6, 2007

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In re Application of:

Atty. Docket No. 009242.00105

John S. Formon et al.

Serial No. 10/092,350

Examiner: O. Flores Sanchez

Filed: March 7, 2002

Art Unit: 3724

For: Apparatus and Methods
Usable in Connection with
Dispensing Flexible Sheet
Material from a Roll

Confirmation No. 7728

DECLARATION OF HEATHER MARTHERS

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

I, Heather Marthers, declare as follows:

1. I am employed at Banner & Witcoff, Ltd. as the firm's Docketing Manager. It is my responsibility to ensure that all deadlines for responding to correspondence from the U.S. Patent and Trademark Office are entered into our Docketing system.

2. When correspondence from the U.S. Patent and Trademark Office arrives at Banner & Witcoff, it is opened, date-stamped, and logged into our computerized document management system by a member of the Docketing department. The correspondence is then reviewed to identify due dates for responses. The initial due date for each response is entered into our computerized docketing system.

3. I have reviewed the U.S. Mail Logs from the time period of November 3, 2006 through November 10, 2006 and our computerized docketing records, and I hereby confirm that we did not receive the Notice of Non-compliance dated November 3, 2006 for U.S. patent application number 10/092,350.

4. I declare that all statements I made in this declaration from my own knowledge are true and that I believe all statements I made on information and belief to be true. I made these statements with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3/5/07

Date

Heather Marthers

Heather Marthers
Docket Manager
Banner & Witcoff